



Attorney Docket No.: TRW(REPA)6027

PATENT

~~\$ AF~~
\$ 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Luders, et al.
Serial No.: 10/054,797
Filed on: January 23, 2002
For: AIRBAG

Group Art: 3616
Examiner: George Spisich

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

- ☐ a small entity.
☒ other than a small entity.

RECEIVED

DEC 18 2003

GROUP 3600

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

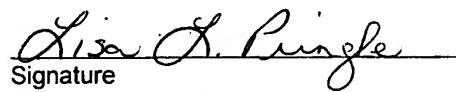
MAILING

☒ deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: November 26, 2003


Signature
Lisa L. Pringle
(type or print name of person certifying)

EXTENSION OF TERM

NOTE: *"Extension of Time in Patent Cases (Supplemental Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in Interference proceedings, and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee other than small entity	Fee for Small entity
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$420.00	\$210.00
<input type="checkbox"/> three months	\$950.00	\$475.00
<input type="checkbox"/> four months	\$1480.00	\$740.00

Fee \$

If additional extension of time is required, please consider this a petition therefor.

(complete (a) or (b), as applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR	ADDIT. FEE
TOTAL* 6	MINUS **20	=20	X 9.00=	\$0		X 18.00= \$0
INDEP. 5	MINUS***3	2	X 42.00=	\$0		X 86.00= \$172.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+140.00=	\$0		+290.00= \$0
			TOTAL ADDIT. FEE	\$0	OR	TOTAL ADDIT. FEE \$172.00

- * If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest No. previously Paid for" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. previously Paid for" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid for" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 CFR § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) ☐ No additional fee for claims is required.

OR

- (d) ☒ Total additional fee for claims required \$172.00

FEE PAYMENT

5. ☒ Attached is a check in the sum of **\$172.00**
☐ **This check includes fees for extension of time and extra claims.**
☐ Charge Account No.: _____ the sum of \$_____
 A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instance where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. Se the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No.: 20-0090.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No.: 20-0090.

Reg. No.:20,177

Tel. No.: (216)621-2234


SIGNATURE OF ATTORNEY

Thomas L. Tarolli
Tarolli, Sundheim, Covell & Tummino LLP
526 SUPERIOR AVENUE, SUITE 1111
CLEVELAND, OHIO 44114-1400

JAN 09 2004

RCE/3616
#9
1-18-04

Practitioner's Docket No. **TRW(REPA)6027**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of: Michael Luders et al

Application No.: 10/054,797

Group No.: 3616

Filed: January 23, 2002

Examiner: G. Spisich

For: **AIRBAG**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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JAN 14 2004

REQUEST FOR CONTINUED EXAMINATION (RCE)

(37 C.F.R. § 1.114)

GROUP 3600

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above-identified application.

WARNING: 35 U.S.C. 132(b) and § 1.114 provide for the continued examination of an application and not examination of a continuing application. Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

WARNING: A continued examination request **cannot** be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 CFR 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination or (4) an application for a design patent. 37 CFR 1.114(d).

CERTIFICATION UNDER 37 CFR §§1.8(a) and 1.10*

**(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)**

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

- ☐ with sufficient postage as first class mail.
Addressee"

- ☒ as "Express Mail Post Office to
Mailing Label No. **EU853428901**
(mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office, (703)

Signature

Date: **January 8, 2004**

Deborah Denn

(type or print name of person certifying)

**Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

- NOTE: There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.
- NOTE: Unlike a continuation application, a continued examination request can utilize the mailing procedure of 37 CFR 1.8. See 37 CFR § 1.8(a)(2)(i)(A).

TIME REQUEST IS BEING MADE

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
- ☐ Prior to payment of issue fee
- ☐ Issue fee has been paid but a petition under § 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

NOTE: If such a notice is not sent to the Board then may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under § 1.114.

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or ☐ Commencement of a civil action under 35 U.S.C. 146.
- ☐ Prior to the filing of such appeal or commencement of civil action.
- ☐ Such appeal or commencement of civil action has been terminated.

ENCLOSURES

3. Enclosed herewith is/are:

WARNING: If reply to a final or non-final Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111. 37 C.F.R. § 1.114(b).

- ☐ An information disclosure (37 C.F.R. § 1.98) (page(s))
- ☐ Form PTO-1449 (PTO/SB/08A and 08B) (page(s))
- ☒ An amendment (7 page(s)) Unentered and filed 11-26-03
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

FEE REQUEST (37 C.F.R. §1.17(e))

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity). \$385.00
- ☒ Other than a small entity \$770.00

Continued Prosecution Request Fee **\$770.00**
(Request for Continued Examination (RCE) (37 C.F.R. § 1.114)[9-64]--Page 2 of 5)
Express Mail Label No. EU853428901

FEE FOR CLAIMS

NOTE: "The fee for continued examination under § 1.114 (§1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 148868.

37 CFR 1.53(d)(3): "The filing fee for a continued prosecution application filed under this paragraph is:

(i) The basic filing fee as set forth in § 1.16; and

Any additional § 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under § 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY			OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDIT. FEE .	OR	RATE	ADDIT. FEE
TOTAL	*6	MINUS	** 20	=	X\$ 9=	\$		X\$ 18=	\$0-
INDEP.	*5	MINUS	***5	=	X\$ 43=	\$		X\$ 86=	\$0-
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE DEP. CLAIMS			=	X\$145=	\$		X\$290=	\$
							O R	TOTAL ADDIT. FEE	\$

* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING See 37 C.F.R. §1.116.

(complete (c) or (d), as applicable)

(a) ☒ No additional fee for claims is required.

OR

(b) ☐ Total additional fee for claims required \$ _____

EXTENSION OF TIME

(If an extension of time is appropriate complete (a) or (b), as applicable)

6. The proceedings herein are for a patent application, and the provisions of 37 CFR § 1.136(a) apply.

NOTE: 37 C.F.R. § 1.740(b) "...an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has not effect on the three-month period set forth in this paragraph."

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Fee for Other than Small Entity	Fee for Small Entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
Fee		\$420.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ month has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this is a conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

WARNING: The fee for continued examination under § 1.114 may not be deferred. 37 C.F.R. § 1.53(f).

7. The total fee(s) due is/are:

Continued Prosecution Fee (§1.17(e))	\$ 770.00
Fee(s) for additional claims (if any) (§ 1.16(b)-(d))	\$ _____
Extension of time fee (if any) (§ 1.17(a)(1)-(4))	\$ 420.00
Total Fee(s) Due	\$1,190.00

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ Check is attached for the sum of \$ 1,190.00
- ☐ Charge Account No. 20-0090 the sum of \$ _____
- ☐ Charge Credit Card the sum of \$ _____
- (Credit Card Payment Form (PTO-2038) attached)

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to

- ☒ Account No. 20-0090.
- ☐ Credit Card (Credit Card Payment Form (PTO-2038) attached).

INVENTORSHIP

NOTE: Any change of inventors must be via the procedure set forth in 37 CFR § 1.48. See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

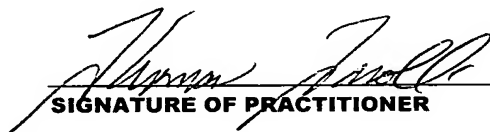
9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately: ☐ being filed ☐ been filed

DEFERRAL OF EXAMINATION

10. ☐ A request for deferral of examination accompanies this request for continued examination.

Date: 1-8-04


SIGNATURE OF PRACTITIONER

Reg. No. 20,177

THOMAS L. TAROLLI
(type or print name of practitioner)

Tel. No. (216) 621-2234

Tarolli, Sundheim, Covell,
& Tummino L.L.P.
1111 Leader Building
526 Superior Avenue
Cleveland, OH 44114-1400

P.O. (Correspondence) Address

Customer No.:

26,294



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November 26, 2003

David R. Pingle 11/26/03
SIGNATURE DATE

RECEIVED

DEC 18 2003

GROUP 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Luders et al.
Serial No. : 10/054,797
Filing Date : January 23, 2002
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL ACTION

Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated August 27, 2003,
please amend the above-identified application as follows:

Amendments to the claims begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.